IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.18 OF 2007

Mr.Ramkishan H. Toshniwal
and 4 Ors. ...Applicants.

Versus

Dr.Mrs.Saroj Ramkishan
Toshniwal, & Anr. ...Respondents.

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Mr.M.S.Kadu, Adv. for the Applicants.
Mr.M.S.Solkar, Adv. for Respondent No.1.
Smt.V.R.Bhosale, APP, for State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 28th February, 2007.

P.C.:

1. Heard the learned Advocate for the Applicants-orig.accused, the learned Advocate for respondent No.1-orig.complainant who is present in-person and the learned APP for the State.

2. The applicants have sought quashing of Criminal Case No.479/2006 which is pending before the learned JMFC, Kalyan. The said case is under Section 498-A, 406 r/w. 34 of IPC.

3. Respondent No.1-orig.complainant has stated before me that the parties have amicably settled the matter amongst themselves and she does not wish to proceed with her complaint. She has submitted that the said proceedings against the applicants may be quashed. She has also tendered an affidavit to the above effect before this Court. The said affidavit of respondent No.1-orig.complainant is taken on record.

4. In view of the affidavit of respondent No.1-orig.complainant and in view of the decision of the Apex Court in the case of **B.S.Joshi and another Vs. State of Haryana and another, reported in Judgment Today 2003(3) S.C.277**, the prayer of the applicants can be considered. Hence, Criminal Case No.479/2006 pending before the learned JMFC, Kalyan is quashed.

5. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)